

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
DEC 12 2018
Clerk, U.S. District Court
District Of Montana
Missoula

MICHAEL T. ANDERSON,

CV 18-168-M-DLC-JCL

Plaintiff,

vs.

ORDER

MICHAEL McGRATH, in his official
capacity as Chief Justice of the Montana
Supreme Court of the State of Montana,
and MICHAEL W. COTTER, in his
official capacity as Chief Disciplinary
Counsel for the State of Montana,

Defendants.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on October 31, 2018, recommending that Plaintiff Michael Anderson's Complaint (Doc. 2) be dismissed for failure to state a claim upon which relief could be granted and that the Court decline to exercise supplemental jurisdiction over Mr. Anderson's claims advanced under Montana law. (Doc. 3).

On November 28, 2018, Mr. Anderson filed a document entitled "Notice of Plaintiff that he does not Object to the Magistrate Judge's Order Dismissing his Complaint." (Doc. 4.) Because Mr. Anderson does not object to the Findings and Recommendations he has waived the right to de novo review of the record. 28

U.S.C. § 636(b)(1)(C).

This Court reviews for clear error those findings and recommendations to which no party objects. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the record, the Court finds no clear error in Judge Lynch’s finding that Mr. Anderson failed to state a claim upon which relief may be granted under federal law and that the Court should decline to exercise supplemental jurisdiction over Mr. Anderson’s state law claims. The Court adopts the Findings and Recommendation in full and will dismiss the Complaint.

Accordingly, IT IS ORDERED that:

1. Judge Lynch’s Findings and Recommendation (Doc. 3) is ADOPTED IN FULL.
2. Mr. Anderson’s Complaint (Doc. 2) is DISMISSED WITH PREJUDICE and the Court declines to exercise supplemental jurisdiction over Mr. Anderson’s claims advanced under Montana law.
3. The Clerk of Court is directed to close this matter and enter judgment in

favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

4. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 12th day of December, 2018.

A handwritten signature in cursive script, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen
Chief Judge, United States District Court